UNITED NATIONS
BACKGROUNDER

Western Sahara Peace Proposal is Made by UN Secretary-General

A peace proposal, designed to end the long, bitter war in the Western Sahara, has been made by the Secretary-General of the United Nations, Mr. Javier Pérez de Cuéllar. The war has continued for almost 13 years since Spain, the former colonial Power in this phosphate-rich, desert Territory on the north-west coast of Africa, ended its administration in 1975-76.

At separate meetings in New York on 11 August 1988, the UN Secretary-General presented his peace proposal to representatives of the two parties to the conflict, the Kingdom of Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Río de Oro (POLISARIO Front), a nationalist movement named after the two regions of the former Spanish Sahara. The Foreign Minister of Mali, Mr. Modibó Keita, was present as a special envoy of President Moussa Traoré, current Chairman of the Organization of African Unity (OAU).

The proposal was described the same day by Mr. Pérez de Cuéllar as "a compromise which will no doubt promote a just and durable solution of the Western Sahara question, under conditions acceptable to the international community."

The objective of the proposal is to bring about a cease-fire, followed by a referendum, so that the indigenous population of the Territory can exercise its right to self-determination, in accordance with resolutions of the UN General Assembly.

The situation in Western Sahara, which was colonized by Spain from 1884, has been a matter of active concern to the United Nations for two and a half decades—since 1963 when it was placed on the list of Non-Self-Governing Territories with the right to self-determination, in accordance with the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514(XV)).

Self-determination

In December 1965, the General Assembly adopted its first resolution on Western Sahara, requesting Spain, as the administering Power, to "take all necessary measures" for the Territory's decolonization, while entering into negotiations on "problems relating to sovereignty".

Decolonization was to prove especially difficult, not only because of Spain's prolonged delay in ending its presence in Western Sahara, but also because of rival claims of

sovereignty by two of the Territory's neighbours, Morocco and Mauritania, and the emergence of a nationalist movement advocating Western Saharan independence.

In view of the doubt about the wishes of the inhabitants of Western Sahara, the General Assembly adopted a second resolution in December 1966, requesting Spain "to determine at the earliest possible date, in conformity with the aspirations of the indigenous population of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination."

Between 1967 and 1973, the General Assembly adopted six more resolutions on Western Sahara, all of which repeated that self-determination should be exercised through a referendum. In effect, the referendum became the hallmark of the UN's approach to decolonization in the Territory, to ensure that this proceeded in accordance with the true wishes of its indigenous population.

However, it was not until 20 August 1974 that Spain finally announced plans to hold the referendum, sometime during the first six months of 1975.

The same day, King Hassan II of Morocco said that Morocco could not accept a referendum that included the option of independence and, four weeks later, on 17 September, he proposed arbitration by the International Court of Justice (ICJ) in The Hague, with respect to Western Sahara's pre-colonial legal status.

Subsequently, on 13 December 1974, the General Assembly adopted resolution 3292(XXIX) requesting ICJ to give an advisory opinion, while Spain was asked to postpone the referendum until ICJ had given its opinion.

The referendum was indeed postponed by Spain. But it was not held even after ICJ had delivered its advisory opinion on 16 October 1975, and to this day there has still been no referendum.

In its advisory opinion, ICJ concluded that it had "not found legal ties of such a nature as might affect the application of resolution 1514(XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory."

Within hours of the publication of the ICJ advisory opinion, King Hassan II announced plans for a "Green March" by 350,000 Moroccans across the Western Saharan border to "rejoin our kinsmen."

Moroccan troops began moving into parts of Western Sahara at the end of October 1975, clashing with forces of the POLISARIO Front, and the Green Marchers crossed the border between 6 and 9 November 1975. A few days later, on 14 November in Madrid, Spain signed an agreement with Morocco and Mauritania on the transfer of administrative powers in the Territory.

Under the Madrid Agreement, a transitional tripartite administration was set up, involving Spain, Morocco and Mauritania. Moroccan and Mauritanian troops entered the main cities, and the last Spanish troops were withdrawn on 12 January 1976. Spanish administration was formally ended on 26 February 1976.

While a session of the Djemaa, a consultative assembly set up in Western Sahara by the Spanish authorities in 1967, voted the same day for integration with Morocco and

Mauritania, another body, the pro-POLISARIO Provisional Saharawi National Council, proclaimed the founding of an independent State, the Saharawi Arab Democratic Republic (SADR), on 27 February 1976.

Serious fighting had by now broken out between POLISARIO Front forces and both the Moroccan and Mauritanian armed forces, and refugees were leaving the Territory to settle in camps in Algeria. In the Tindouf region of south-western Algeria, there are now over 165,000 Saharawi refugees, according to the Algerian Government.

Western Sahara was partitioned by Mauritania and Morocco on 14 April 1976, Mauritania receiving about one third of the Territory in the south and Morocco the northern two thirds. However, after just over three years Mauritania signed a peace agreement with the POLISARIO Front, on 5 August 1979, renouncing its claim to part of Western Sahara. Nine days later, on 14 August, Morocco announced its annexation of the former Mauritanian zone.

The UN/OAU peace effort

Successive resolutions have been adopted by the UN General Assembly since the start of the war in 1975, beginning with two resolutions on 10 December 1975 which both reaffirmed "the inalienable right to self-determination" of all Saharans originating in the Territory.

The war in Western Sahara also became a matter of growing concern for OAU. On 11 June 1983, an OAU summit conference in Addis Ababa adopted a resolution (AHG/Res.104 (XIX)) that laid down a broad framework for solving the conflict (involving direct negotiations between the POLISARIO Front and Morocco, to bring about a cease-fire in order to create conditions for a peaceful and fair referendum), and this was subsequently incorporated in resolutions adopted by the UN General Assembly.

Thus, resolution 39/40, adopted by the General Assembly on 5 December 1984, reaffirmed that the solution of the question of Western Sahara lies in the implementation of resolution AHG/Res.104, "which establishes ways and means for a just and definitive political solution to the Western Sahara conflict."

To that end, resolution 39/40 requested "the parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to undertake direct negotiations with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations."

A year later, on 2 December 1985, the General Assembly went further (in resolution 40/50) by inviting the Chairman of OAU and the Secretary-General of the United Nations "to exert every effort to persuade the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to negotiate, in the shortest possible time and in conformity with resolution AHG/Res.104 (XIX) and the present resolution, the terms of a cease-fire and the modalities for organizing the said referendum".

King Hassan had announced in June 1981 that he accepted the holding of a referendum in Western Sahara, but Morocco has continued to reject direct negotiations with the

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POLISARIO Front. However, in pursuance of the mandate conferred by resolution 40/50, UN Secretary-General Pérez de Cuéllar has held frequent consultations with both parties, in close co-operation with OAU.

Between 20 November and 9 December 1987, a UN technical mission, led by the Under-Secretary-General for Special Political Questions, Mr. Abdulrahim A. Farah, and comprising both civilian and military teams, visited Western Sahara to gather data to assist the joint UN/OAU effort to find a peaceful settlement of the conflict.

The Secretary-General's mediation efforts gathered pace this year. After holding talks in Brussels on 9-10 April with the then Chairman of OAU, President Kenneth Kaunda of Zambia, Mr. Pérez de Cuéllar visited Morocco on 2-4 May for talks with King Hassan II and then held talks in Addis Ababa on 23 May, during the last OAU summit, with the Secretary-General of the POLISARIO Front as well as with the Heads of State of Algeria and Mauritania.

"The purpose of these consultations," Mr. Pérez de Cuéllar explained on 11 August after presenting his peace proposal, "was to obtain the views of the parties and to assist in bringing them together."

Meanwhile, the climate may have become more propitious for a peaceful, just settlement of the conflict since the restoration of diplomatic relations by Morocco and Algeria on 16 May—ending a diplomatic freeze that began in March 1976, shortly after the war began.

The details of the Secretary-General's peace proposal are being kept confidential to preserve its chances of success. In his 11 August statement, Mr. Pérez de Cuéllar said he had asked Morocco and the POLISARIO Front "to let me have their agreement" to the proposal before 1 September "so that the process of organizing the referendum can start as soon as possible."